



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

AGENDA

Meeting of July 12, 2000

9:00 A.M., First Floor Conference Room
242 State Street, Augusta, Maine

ROUTINE BUSINESS

1. Ratification of Minutes of the June 14, 2000 meeting.

OLD BUSINESS

2. "Leadership PACs": Tabled from June meeting, request by a Legislator for Commission determination of the propriety of a Maine Clean Election Act candidate for the Legislature who aspires to a leadership position if elected also maintaining a so-called "Leadership PAC" for the purpose of supporting the election efforts of other nonparticipating candidates for the Legislature.
Recommendation: Decide whether affiliation with a "leadership" PAC is consistent with Maine Clean Election Act candidacy.
3. Potential Conflict of Interest Issues: Discussion of recent articles in the Portland and Bangor newspapers regarding the implications of the potential for members of the Legislature to act on legislation that may impact their personal financial situations.
Recommendation: Decide whether Commission-initiated action is warranted.

NEW BUSINESS

4. Rotundo - Madore (Senate District 21) Primary Election (impact of "independent expenditures" on Maine Clean Election Act candidate matching fund eligibility):
 - A. Ms. Lorraine T. Comeau Complaint: By letter dated June 13, 2000, Ms. Comeau forwarded for Commission action three (3) flyers endorsing State Senate candidate, District 21, Ms. Margaret (Peggy) Rotundo for the June 13th primary election. Two (2) flyers were initiated by the AFL-CIO and one (1) by Maine State Employees Association (MSEA) Political Action.
Recommendation: Assess penalties for late filing of independent expenditure reports by AFL-CIO COPE PAC (\$501.36 total) and MSEA-PAGE PAC (\$85.30). Decide whether additional penalties for violation of Maine Clean Election Act are warranted (not to exceed \$10,000).
 - B. Telefax from *Lewiston Sun Journal*: By telefax dated June 16, 2000, Mr. Jonathan Van Fleet, a reporter for the *Lewiston Sun Journal* inquiring about the details surrounding the complaint filed by Ms. Comeau, telefaxed a copy of a communication



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ostensibly originated by the Maine Right to Life Political Action Committee State Candidate Fund endorsing Mr. Paul Madore for the June 13th primary election.

Recommendation: No action required.

C. Mr. F. Vincent Blais: By letter dated June 20, 2000, Mr. Blais, Madore Campaign Advisor, "protested" the election in Senate District 21, requesting a " cursory investigation" of the matters alleged by the Madore campaign, and requesting that the election results be considered "undecided due to probable illegal and unfair conduct."

Recommendation: No action required. Explain requirements and jurisdictional limits of MCEA as necessary.

5. Inquiry by Ms. Geraldine Bissonnette (attribution requirements): By letter dated June 12, 2000, Ms. Bissonnette questioned the "disclosure" requirements of a mailer sent to South Portland Republicans by Ms. Judy M. Carpenter endorsing Ms. Rita Caron's candidacy for the House District 26 position.

Recommendation: Assess penalty of no more than \$200 for failure to disclose whether candidate authorized express advocacy communication.

6. Inquiry by Mr. Barry Watson (attribution requirements): By letter dated June 12, 2000, Mr. Watson questioned the absence of a statement of payment for an advertisement in *The Gray News* supporting Mr. Jim Moulton for State Senate District 26.

Recommendation: No response from Mr. Moulton. Decide whether to assess penalty for failure to disclose who paid for political communication and whether candidate authorized express advocacy communication.

7. Inquiry by Mr. James J. Campbell, Sr. (impact of "independent expenditures" on Maine Clean Election Act candidate matching fund eligibility): By letter dated June 15, 2000, Mr. Campbell requested a determination of the legality of the "Election Alert" from the National Rifle Association Political Victory Fund to vote for Mr. Michael McAlevey in the Republican primary for Senate District 34.

Recommendation: No response from National Rifle Association Political Victory Fund. Decide whether to assess penalty for failure to file independent expenditure report based on results of decisions made in Agenda Item #4.

8. Inquiry by Mr. Morrison Bonpasse (propriety of endorsements by "public officials"): By letter dated June 19, 2000, Mr. Bonpasse questioned the appropriateness of endorsements by "public officials" in their official capacities in the form of "letters to the editors" of two House District 58 newspapers.

Recommendation: No action required based on apparent lack of violation of State law based on reported and acknowledged facts and lack of Commission jurisdiction. Decide whether Commission jurisdiction extends to remedial action regarding use of "thank you" letters as "letters to the Editor" in the nature of an endorsement and the extent to which that practice may negatively impact the "election practices" subject to the Commission's jurisdiction.

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9. Inquiry by Mr. Arnold Woolf (contribution reporting and independent expenditure impact): By letter dated June 28, 2000, Mr. Woolf inquired regarding the reporting requirements for expenditures by another that may benefit a Clean Election Act candidate and how to counter late minute expenditures on behalf of a nonparticipating opponent. **Recommendation:** No action required pending receipt of copy of the communication that is the subject of the complaint.
- 10: Staff Request: Effect of "inquiry" communication on independent expenditure: Several candidates and representatives of political action committees have inquired about the permissibility of a PAC representative making a simply inquiry of a candidate to determine whether that candidate would object to an independent expenditure being made in support of that candidate without violating the prohibition against the making such expenditures "in cooperation, consultation, or concert with" the candidate, the candidate's committee, or any agent of the candidate.
11. Other: As allowed.
12. Executive Session: If appropriate.

ADJOURNMENT